

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY SCOTT BOSMA,

Plaintiff,

Case No. 19-12136

v.

HON. GEORGE CARAM STEEH

ARVCO CONTAINER CORP.,

Defendant.

_____ /

**ORDER GRANTING PLAINTIFF IN FORMA PAUPERIS STATUS AND
DISMISSING CASE FOR LACK OF SUBJECT MATTER JURISDICTION**

Plaintiff Jeffrey Scott Bosma, proceeding *pro se*, has filed his second federal lawsuit arising out of an alleged workplace injury taking place on March 1, 2011. Plaintiff has sued Defendant Arvco Container Corporation, the place where Plaintiff was assigned to work when he was employed by Snelling Staffing Services. Based upon the financial information in the Application to Proceed Without Prepaying Fees or Costs, the court grants plaintiff *in forma pauperis* status pursuant to 28 U.S.C. § 1915. However, the court dismisses Plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(h)(3) for lack of subject-matter jurisdiction. The issue of subject-matter jurisdiction may be raised at any time, including *sua sponte*

by the court. *In re Lewis*, 398 F.3d 735, 739 (6th Cir. 2005). Plaintiff claims federal question jurisdiction exists based on alleged violations of the Occupational Safety and Health Act (OSHA). But the Sixth Circuit has held that “OSHA does not create a private right of action.” *Ellis v. Chase Commc'ns, Inc.*, 63 F.3d 473, 477 (6th Cir. 1995). Accordingly,

IT IS ORDERED that the above-captioned matter is dismissed without prejudice for lack of subject matter jurisdiction.

Based on the preceding order, this court certifies that any appeal from this decision would be frivolous, not in good faith and, therefore, pursuant to 28 U.S.C. § 1915(a)(3), may not be taken *in forma pauperis*.

IT IS SO ORDERED.

Dated: July 30, 2019

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 30, 2019, by electronic and ordinary mail and also on Jeffrey Scott Bosma, 2161 Chevy Chase Drive, Davison, MI 48423.

s/Barbara Radke
Deputy Clerk